



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 02 2022

INFORMATION REQUEST LETTER
URGENT LEGAL MATTER - PROMPT REPLY REQUESTED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mark H. Thompson
260 Paga Mine Rd, SE
Cartersville, GA 30120

SUBJ: Request for Information Pursuant to Section 104 of CERCLA for Barite Hill/Nevada Goldfields Superfund Site located in McCormick County, South Carolina

Dear Mr. Thompson:

The purpose of this letter is to seek information from you and/or your company pertaining to the Barite Hill/Nevada Goldfields Superfund Site located in McCormick County, South Carolina (the Site). The United States Environmental Protection Agency (EPA) has taken response actions and has documented the release or threatened release hazardous substances, pollutants, or contaminants at the Site. The EPA's investigation requires inquiry into the identification, nature and quantity of materials generated, treated, stored, disposed of, or transported to the Site, as well as the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

SITE BACKGROUND

The Site is located approximately 3 miles south of McCormick, South Carolina between U.S. Highway 378 and U.S. Highway 221 on the northern side of Road 30 in McCormick County, South Carolina. Nevada Goldfields, Inc. (Nevada Goldfields) actively mined gold at the Site from 1991 to 1995 by utilizing a cyanide solution in a heap leach process to extract gold from ore. There are seven processing ponds on-site containing an undetermined amount of free-liquids. From 1995 until Nevada Goldfields filed for Chapter 7 Bankruptcy in 1999, the reclamation of the Site was being addressed by Nevada Goldfields. On July 7, 1999 Nevada Goldfields handed the facility's keys to the South Carolina Department of Health and Environmental Control (SCDHEC) and abandoned the Site.

THE EPA's RESPONSE ACTION

In July 2003, SCDHEC's inspection of the Site revealed that the mine's treatment ponds were at capacity, and that the Main Pit was partially filled and high-sulfide rock with an estimated 30 to 40 percent sulfide was present at the surface. In November 2003, SCDHEC again visited the Site, and studies indicated that water in the Main Pit had a pH of 2 to 2.2, which was adversely affecting groundwater and surface water quality in the Site area. SCDHEC then performed a preliminary assessment/site inspection (PA/SI) for the Site in 2004, which detected a number of hazardous

substances in on-site process ponds, leach pad solution ponds, and the Main Pit, including arsenic, chromium, copper, lead, zinc, mercury, and cyanide. Surface water samples were also collected from downstream receiving waters, which indicated elevated levels of hazardous substances.

SCDHEC subsequently referred the Site to EPA for removal activities in October 2006. EPA conducted site reconnaissance in January 2007, and a removal site evaluation (RSE) in March 2007. During the RSE, EPA conducted an emergency removal action including the demolition of a furnace building and on-site neutralization of over 2000 pounds of varying strength acids and bases. A removal action commenced on October 15, 2007 and was completed on November 3, 2008. Because of the potential for future or threatened release of hazardous substances into the environment, the Site was listed on the NPL on April 9, 2009.

REQUEST FOR INFORMATION PURSUANT TO CERCLA SECTION 104(e)

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927, you are hereby requested to respond to the enclosed Information Request. Instructions on how to respond to the questions are included in the enclosures.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request **within thirty (30) days of receipt of this letter**, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits the EPA to seek the imposition of penalties of up to fifty-seven thousand three hundred seventeen dollars (\$57,317) for each day of continued non-compliance. Please be further advised that the provision of false, fictitious, or

fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq. Your response to this Information Request should be mailed to:

Mr. Kevin L. Woodruff
Superfund Division - EB
U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W. – MS 9T25
Atlanta, Georgia 30303-8909

Due to the legal ramifications of your failure to respond properly, the EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct all legal questions to Lisa Ellis of the Office of Regional Counsel at (404) 562-9541 or Ellis.Lisa@epa.gov. Technical questions should be directed to myself at (404) 562-8828 or Woodruff.KevinL@epa.gov.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin L. Woodruff", with a large, sweeping flourish extending from the end of the name.

Kevin L. Woodruff
Enforcement Project Manager
Superfund Division

Enclosures
Information Request Instructions, Definitions and Questions
Site Map

INFORMATION REQUEST

INSTRUCTIONS

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you" or "Respondent" shall mean the Barite Hill/Nevada Goldfields Site ("Respondent"), the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA, 42 U.S.C § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term "Site" shall mean and include the property on or about the Barite Hill/Nevada Goldfields Superfund Site located in McCormick County, South Carolina.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included within this definition.
5. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
6. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).
7. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
8. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
9. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
12. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
13. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
15. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
16. The term "arrangement" means every separate contract or other agreement between two or more persons.
17. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

9. Describe any limitations on your opportunity or ability to investigate conditions at the Property prior to and after your acquisition of an interest in the Property.
10. Do you or your company have any specialized knowledge or experience relating to evaluating or remediating environmental contamination on properties such as the Property? If so, please describe that knowledge or experience, in detail.
11. Please describe, in detail, any and all efforts you have made since you or your company acquired the Property to:
 - A. Stop any continuing release of hazardous substances on, about, or beneath the Property;
 - B. Prevent any threatened future release of hazardous substances on or from the Property; and
 - C. Prevent or limit any human, environmental or natural resource exposure to previously released hazardous substances on, about, or beneath the Property.

Other Sources of Information

12. Are there any persons, other than those you have already identified, who are or were associated with your company, who may be better able to answer any of these questions? If so, please provide those persons' names, current mailing addresses, and current telephone numbers.
13. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide the following:
 - A. Your company's document retention policy;
 - B. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - C. A description of the type of information that would have been contained in the documents;
 - D. The name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and
 - E. The names and most current address of any person(s) who may possess documents relevant to this inquiry.



Type notes here

Printed
05/31/2022

The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.

128-00-00-003.

General
Assessment
Structure

Owner and General Parcel Information

| | |
|---------------------------|------------------------------------|
| Property Card | Show Property Card |
| Map Number | 128-00-00-003. |
| Owner Name | THOMPSON MARK H |
| Mailing Address1 | |
| Mailing Address2 | 100 PHOENIX AIR DRIVE |
| Mailing Address3 | CARTERSVILLE, GA |
| Mailing ZipCode | 30120 |
| Physical Address | 0 |
| Legal Description1 | |
| Legal Description2 | |
| Total Acreage | 43.59 |
| Deed Book | 198 |

| | |
|------------------------------|-------------|
| Deed Page | 111 |
| Plat Book | 14 |
| Plat Page | 288 |
| Description Location | OFF HWY 44 |
| Description Location2 | 43.59 ACRES |
| Sale Price | \$52,308.00 |
| Sale Date | 2005/11/30 |

Assessment Information

| | |
|----------------------------------|-------|
| Building Market Appraisal | 0 |
| Land Market Appraisal | 0 |
| Total Market Appraisal | 95898 |
| Total Number Acres | 43.59 |
| Total Number Buildings | 0 |
| Total Number Lots | 0 |

Structure Information

| | |
|---------------------------------|------|
| Number Of Baths | 0.00 |
| Number Of Bedrooms | 0 |
| Number Of Stories | 0.00 |
| Square Foot Basement | 0 |
| Square Foot Carport | 0 |
| Square Foot Garage | 0 |
| Square Foot Storage | 0 |
| Square Foot Total | 0 |
| Square Foot First Floor | 0 |
| Square Foot Second Floor | 0 |
| Year Built | 0 |
| Workmanship | |